

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES GEARY KING,

Plaintiff,

NO. CV-08-3083-CI

vs.

ORDER ADOPTING REPORT AND
RECOMMENDATION AND DISMISSING
ACTION

GOVERNOR FOR THE STATE OF
WASHINGTON, SECRETARY OF
DEPARTMENT OF CORRECTIONS,
and CHARLES DORENDORF,

Defendants.

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on April 8, 2009, recommending this action be dismissed without prejudice for failure to state a claim upon which relief may be granted. There being no objections, the court **ADOPTS** the Report and Recommendation. The action is **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(q). **Plaintiff is advised to read**

the new statutory provisions under 28 U.S.C. § 1915. This dismissal
of Plaintiff's complaint may count as one of the three dismissals
allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
file future claims.

5 **IT IS SO ORDERED.** The District Court Executive is directed to
6 enter this Order, forward a copy to Plaintiff at his last known
7 address, enter judgment, and close the file. The District Court
8 Executive is further directed to forward a copy of this Order to the
9 Office of the Attorney General of Washington, Criminal Justice
10 Division.

11 DATED this 30th day of April 2009.

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